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Attorneys for Plaintiffs
EXPERIENCE HENDRIX, LLC and AUTHENTIC HENDRIX, LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

EXPERIENCE HENDRIX, LLC and
AUTHENTIC HENDRIX, LLC,

Plaintiffs,

v.

ANDREW PITSICALIS, ROCKIN
ARTWORK, LLC, PURPLE HAZE
PROPERTIES, LLC, PURPLE HAZE
DESIGNS, INC., and MELISSA
LEMCKE,

Defendants.

CASE NO. 2:18-cv-07429-VAP (MRW)

JOINT RULE 26(f) REPORT

Date: January 14, 2019
Time: 1:30 p.m.
Ctrm: 8A

[Courtroom of the Honorable Virginia A.
Phillips]

1 Plaintiffs Experience Hendrix, LLC and Authentic Hendrix, LLC (together
2 “Plaintiffs”) and Defendants Andrew Pitsicalis, Rockin Artwork, LLC, Purple Haze
3 Properties, LLC, Purple Haze Designs, Inc. and Melissa Lemcke (together “Defendants”)
4 hereby submit the following report pursuant to this Court’s November 13, 2018 Order, the
5 Federal Rule of Civil Procedure 26, and Local Rule 26-1.

6 **I. FEDERAL RULE OF CIVIL PROCEDURE 26(f)**

7 **A. Changes in Disclosures under Rule 26(a)**

8 The parties agree to exchange Rule 26(a) initial disclosures on or before January
9 21, 2019. At present, the parties do not anticipate any other changes required with regard
10 to the form or manner of such disclosures.

11 **B. Discovery Subjects and Phases**

12 All of the parties’ claims and defenses will likely be the subject of discovery in this
13 action. This is not a complex case, and the parties do not believe that discovery should be
14 conducted in phases. The parties’ view on when discovery should be completed is set
15 forth in the proposed case schedule, which is attached as Exhibit A.

16 **C. Electronically Stored Information**

17 Plaintiffs believe that this matter may appropriately be resolved through summary
18 judgment based upon the facts and evidence already in Plaintiffs’ possession. Should
19 discovery prove necessary notwithstanding that fact, Plaintiffs believe that this case may
20 present certain issues with the preservation of electronically stored information by
21 Defendants. Plaintiffs base this belief upon the fact that in proceedings now pending in
22 the United States District Court for the Southern District of New York, it has become
23 clear in the course of discovery that certain of the Plaintiffs have destroyed material
24 evidence. Such destruction includes the deletion by Defendant Andrew Pitsicalis of
25 months of text messages, the installation and use of an anti-forensic software, resulting in
26 the deletion of files from computers likely to contain discoverable matter, and the
27 wholesale deletion of months of emails from key computer accounts. Such spoliation has
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1 been the subject of extensive proceedings before the Southern District of New York,
2 resulting in sanctions against certain of the Defendants. Plaintiffs anticipate that such
3 destruction and spoliation of evidence will likewise impact discovery in this litigation.
4 Defendants contend Plaintiffs have misrepresented the facts in this section and that the
5 court's order speaks for itself.

6 **D. Privilege**

7 The parties are not presently aware of any issues relating to claims of privilege or
8 of protection as trial-preparation material.

9 **E. Changes to Limitations on Discovery**

10 The parties do not presently believe that any changes should be made to the
11 discovery limitations imposed by the Federal Rules of Civil Procedure and the Local
12 Rules of this Court.

13 **F. Orders Under Rules 16(b), 16(c), or 26(c)**

14 The parties anticipate that they will propose a stipulated protective order pursuant
15 to Rule 26(c). The parties will meet and confer on the terms of such order and endeavor
16 to present such order to the Court in stipulated form.

17 **II. LOCAL RULE 26-1**

18 **A. Complex Cases**

19 The parties agree that this is not a complex case and that the procedures of the
20 Manual for Complex Litigation should not be applied.

21 **B. Motion Schedule**

22 Plaintiffs anticipate filing a motion for summary judgment and/or motions for
23 summary adjudication. The parties' view on the timing of non-discovery motions is set
24 forth in the proposed case schedule below.

25 **C. ADR**

26 The parties' selection of an ADR Procedure is set forth in the concurrently filed
27 ADR Procedure Selection form.

1 **D. Trial Estimate**

2 The parties estimate that the jury trial of this matter will require seven to ten court
3 days.

4 **E. Additional Parties**

5 Plaintiffs are presently unaware of the names and identifies of other individuals
6 who may have assisted in, or may be liable for, the fraudulent transactions that form the
7 basis for this case. Plaintiffs may seek to amend, as appropriate, to name as additional
8 defendants any such persons or entities identified during the course of discovery in this
9 matter.

10 **F. Expert Witnesses**

11 The parties proposal regarding the timing of disclosures under Rule 26(a)(2) is set
12 forth in the proposed case schedule, which is attached hereto as Exhibit A.

13 **II. PROPOSED SCHEDULE**

14 The proposed case scheduled is attached hereto as Exhibit A.

15
16 Dated: January 7, 2019

McDERMOTT WILL & EMERY LLP

17
18 By: /s/ Jason D. Strabo

JASON D. STRABO

Counsel for Plaintiffs

19 EXPERIENCE HENDRIX, LLC and
20 AUTHENTIC HENDRIX, LLC
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1 Dated: January 7, 2019

LANDSBERG LAW, APC

2
3 By: /s/ Ian S. Landsberg

4 IAN S. LANDSBERG
5 Counsel for Defendants
6 ANDREW PITSICALIS, ROCKIN
7 ARTWORK, LLC, PURPLE HAZE
8 PROPERTIES, LLC, PURPLE HAZE
9 DESIGNS, INC., and MELISSA
10 LEMCKE,
11

12 I, Jason D. Strabo, attest that all other signatories listed, and on whose behalf
13 the filing is submitted, concur in the filing's content and have authorized the filing.
14

15 Dated: January 7, 2019

McDERMOTT WILL & EMERY LLP

16 By: /s/ Jason D. Strabo

17 JASON D. STRABO
18 Counsel for Plaintiffs
19 EXPERIENCE HENDRIX, LLC and
20 AUTHENTIC HENDRIX, LLC
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